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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,498	12/05/2003	Jacob Mathews	14846-29	2319
7590 GEORGE D. MORGAN, ESQ. LOWENSTEINS SANDLER PC 65 LIVINGSTON AVENUE ROSELAND, NJ 07068			EXAMINER FERTIG, BRIAN E	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 10/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/730,498

**Applicant(s)**

MATHEWS ET AL.

**Examiner**

BRIAN FERTIG

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the Applicant's filing of 7/8/2008. Claims 1, 3-6, 8-11, and 13-17 are pending. No Amendments have been made.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6, 8-11, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Publication for Lewis (Lewis).

#### With respect to claim 1

Lewis teaches:

A system for offering a financial instrument across different types of trading platforms, comprising:

a plurality of trading platforms (i.e. thin clients, analytical and user systems, see par 67,76 and Fig 4), at least two of the trading platforms using different trading protocols for exchanging trading information, a trading protocol being a set of rules to enable computers to exchange trading information, the rules including types of messages sent between trading platforms (see par 72 and 76, note that the analytical and user systems receive trading information in a system compliant format and that thin clients receive the trading information via HTML, DHTML pages or

JAVA applets, in combination with Fig 19 depicting transaction type and associated business rules, see also response to arguments below concerning the applicability of system compliant formats,)

an interface (i.e. message bus in combination with Interface transformation, and web server, see fig 4) for linking the trading platforms to allow an offering of a financial instrument that is initially being posted in a sending trading platform (i.e. offerings posted on information source system, see par 122 and 125 and fig 4) to be simultaneously offered in each of the trading platforms (note that the offerings are simultaneously made available to both analytical and user systems and thin clients simultaneously via the data bus, see par 125) and a particular quantity of the offering to be purchased in any of the trading platforms (see fig 19, note the inclusion of units in the buy transaction message), the offering being posted and sent as a quote message (see par 80-81, note that the quote posted to an information source system is transmitted as a message via the message bus, see also par 117), the interface including an adapter for each of the trading platforms, each of the adapters allowing the interface to translate messages, to the protocol of each of the other trading platforms (see par 72, note that an adapter is provided to the extent that messages are reformats messages into a system compliant format and makes them available to each trading platform via the

message bus, see also par 76, note that the web server performs that translation for the thin clients),

each of the other trading platforms receiving the posted offering using its respective trading protocol (see par 125), a receiving trading platform sending back a quote acknowledgement message to the interface using its respective protocol (see fig 19, note that the purchase request message acknowledges the price, units, date and issue), the interface ensuring that the quote acknowledgement message in the receiving and sending platforms are in agreement (see par 107 and fig 19, note that business rule logic).

With respect to claim 11 and 17

Lewis teaches:

A method and a program, storage device for offering a financial instrument across different types of trading platforms, at least two of the trading platforms using different trading protocols for exchanging trading information, a trading protocol being a set of rules to enable computers to exchange trading information, the rules including types of messages sent between trading platforms, comprising the steps of:

posting an offering of a financial, instrument initially in a sending trading platform, as a quote message (i.e. offerings posted on information source system, see par 122 and 125 and fig 4);

sending the offering as a quote message to each of the other trading platforms (i.e. offerings posted on information source system, see par 122 and 125 and fig 4);

translating the posted offering from the protocol of the sending trading platform into the protocol of each of the other trading platforms (see par 72, note that an adapter is provided to the extant that messages are reformats messages into a system complaint format and makes them available to each trading platform via the message bus, see also par 76, note that the web server performs that translation for the thin clients);

displaying the posted offering simultaneously in each of the other trading platforms so as to allow a particular quantity of the offering to be purchased in any of the trading platforms (see par 125);

receiving in each of the other trading platforms the posted offering using its respective trading protocol (see par 122 and 125);

sending back from each of the other trading platforms a quote acknowledgement using its respective protocol (see fig 19, note that the purchase request message acknowledges the price, units, date and issue); .and

ensuring that the quote acknowledgement message in the receiving and sending platforms are in agreement (see par 107 and fig 19, note that business rule logic).

With respect to claims 3 and 13

Lewis teaches:

wherein the quote acknowledgment message is generated after receipt of a trading request to purchase a specified quantity of a specified financial instrument at a specified price (see fig 19, note that the purchase request acknowledges the price, units, date and issue and is implicitly issued after the buy request has been input into a trading platform which caused the purchase request to have been generated).

With respect to claim 4 and 14

Lewis teaches:

wherein a trade is canceled if the quote acknowledgment message is not received within a predetermined time period (see par 114 and fig 19, note that the business rules check to see if a limit has been surpassed. Note further that date is one of the elements to which these business rules can be applied).

With respect to claims 5 and 15

Lewis teaches:

wherein a first trading platform includes a risk management component (see fig 4, note risk component of Analytical and user systems) and a

second trading platform includes a trading portal (i.e. applications/user interfaces, see par 131, 137-144, and Fig . 23-30),

With respect to claim 6 and 16

Lewis teaches:

further including a reporting component for reporting transaction information associated with trading activity (i.e. applications/user interfaces, see par 131, 137-144, and Fig . 23-30).

With respect to claim 8

Lewis teaches:

wherein the interface ensures that offering information is uniform in each of the trading platforms (see par 72, note that the data is reformatted into a system compliant format, note that this is uniform is so far as the data is uniformly compliant with each trading platform).

With respect to claim 9

Lewis teaches:

wherein a change of pricing information in one of the trading platforms causes a corresponding pricing information change in. other of the trading platforms (see par 80-81 and par 125, note that market data updates trigger an update of information in, at least, the market data server, and the trading platforms that access the market data server, see also par 94 and fig 9, note that the database associated with the market data server includes price and quantity as types of market data).



With respect to claim 10

Lewis teaches:

wherein a change of quantity information in one of the trading platforms causes a corresponding quantity information change in other of the trading platforms (see par 80-81 and par 125, note that market data updates trigger an update of information in, at least, the market data server, and implicitly in trading platforms that access the market data server, see also par 94 and fig 9, note that the database associated with the market data server includes price and quantity as types of market data).

***Response to Arguments***

3. Applicant's arguments filed 7/8/2008 have been fully considered but they are not persuasive. In light of Applicant's persistence with his previous position, Examiner likewise persists with the arguments offered in the previous Office Action (reproduced immediately below) and extends this argument so as to respectfully suggest a course of action to Applicant.

Previous arguments:

In response to applicant's argument that nowhere in Lewis is it described, taught, or suggested that disparate platforms communicating with disparate protocols can receive messages concerning offers of trades using their own native protocol, Examiner respectfully disagrees. Lewis teaches both thin clients (see par 76 and Fig 4) and user systems (see par 67 and Fig 4). Each of these disparate platforms receives trade

information in its native protocol in so far as the thin clients receive HTML, DHTML pages or JAVA applets (see par 76) and user systems receive trade information via system compliant formats, (see par 72)

In response to applicant's argument that a format is not a protocol, Examiner also respectfully disagrees. A format, as disclosed by Lewis meets the definition of a protocol as claimed by applicant: "a trading protocol being a set of rules to enable computers to exchange trading information" (see Applicant's claim 1). A format is a set of rules in so far as it dictates via rules how data must be presented such that it is understood. For example, in the binary format "001" by virtue of the rules for converting that format to base 10, means "1". However, the format "010", a simple inversion of how the data is presented, now means "2". This analogy also carries forward to formats that dictate the placement of data into various fields. For example the data string "buy, 1000" when converted by a rule that defines the first field as the transaction type and the second as the quantity translates to "execute a buy order for 1000 shares", there by enable an exchange of trading information. An inversion of the fields yields the non-sensical result of "execute a 1000 order for buy shares."

Additional Arguments/Comments:

Examiner observes that a turning point on which Applicant's argument rests is how to properly interpret claim language in the context of Applicant's invention. Examiner respectfully directs Applicant to MPEP § 2111-2116.01, which discusses claim interpretation. As an initial point, the Examiner is charged to give the claims their broadest reasonable meaning. Applicant invites Examiner to consider a more narrow

interpretation of the claims based on both the definition allegedly adopted by the field of Information Technology and based on the functioning of Applicant's invention as described in the Specification.

The breadth of meaning that the Examiner is charged to consider is properly limited by interpretations that would be contrary to the Specification. Examiner submits that the interpretation of 'protocol' adopted by examiner is not contrary to the Specification in so far as it is in keeping with the definition explicitly offered by the Specification as discussed above. With respect to adopting the definition allegedly adopted by the field of Information Technology, Examiner respectfully observes that the appropriate test of what is consistent with the interpretation of what of those of ordinary skill in the art would reach, would be such a person's interpretation of the definition of a protocol as defined by the Specification. Had the Specification been silent as to a definition, then a reading based on definitions adopted by the field of Information Technology is likely to have been appropriate. Such a position is consistent with the flexibility afforded to Applicant to be his own lexicographer. When a definition is offered by Applicant that is not contrary to the accepted meaning, Examiner is bound to be ruled by it.

With respect to adopting a definition based on the functioning of Applicant's invention as described by the Application, Examiner respectfully observes that he is prevented from reading limitations of the Specification into the claims and my only interpret *specific recitations already found in the claim* in light of the Specification. Examiner has accomplished this by respecting the definition found in the Specification

and avoiding reading in from the Specification, limitations not explicitly recited in the claims.

In light of the discussion above, Examiner respectfully suggests that should Applicant desire a more narrow reading of the claims than what Examiner has performed, specific limitations, such as those suggested by Applicant as demonstrating the necessity of a more narrow reading, could be amended to the claims.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
5. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/  
Primary Examiner, Art Unit 3694